IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.228 OF 2007

Ketan Kamlakar Tirodkar. ...Applicant.

Versus

The State Via DCB, CID
C.R.No.43 of 2004 in Special
MCOC Case No.11 of 2004. ...Respondent.

....

Mr.Ketan Tirodkar, applicant present in-person.
Mr.A.S.Gadkar, APP, for the State.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th May, 2007.

P.C.:

1. Heard the applicant who is present in person before this Court, and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.43 of 2004 registered with E.O.W., Crime Branch, Mumbai. The said case is Special Case No.11 of 2004 which is pending before the Special Court under the MCOC Act, Greater Bombay.

3. The applicant states that a document has been produced by the prosecution which is letter

dated 17.6.2004 addressed to Shri.Dilip Sawant, Asstt.Commissioner of Police, Crime Branch, CID, Mumbai. The said letter was produced in the discharge application filed by the applicant in the High Court as well as in the Special Case before the trial Court. The applicant states that this letter was produced before the trial Court after his bail application was rejected by the trial Court. He has stated that this document was not in his possession before; and on account of this document some points have arisen which gives arise to the applicant to prefer an application for bail on fresh grounds. He has further stated that as this document has not been considered by the Special Court while considering his earlier application for bail, he may be granted liberty to prefer fresh application for bail before the Special Court wherein this document may be considered by the Special Court. The learned APP has no objection.

4. In this view of the matter, the applicant is granted liberty to prefer a fresh application for bail before the Special Court relying on the above mentioned document. The trial Court shall

take the said document into consideration while deciding the fresh application for bail preferred by the applicant. The trial Court shall decide the fresh application for bail preferred by the applicant on merits without being influenced by the earlier order dated 7th July, 2006, as expeditiously as possible.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)